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LOCAL NEWS .- The City and Suburban News Bureau of the United Phess and New York Associated Press to at 21 to 29 Ann street. All information nated to the press of the whole country.

The Executive's Challenge to Congress

Two questions are suggested by Mr OLNEY's abrupt declaration that the President will disregard a joint resolution of Congress recognizing the independence of Cuba even if such a resolution should be passed by a two-thirds vote over a veto. The first question is, would the grounds assigned for the declaration be sustained by the Senate acting as a court of impeachment, or the Supreme Court of the United States acting on a case in which the division of authority between the Executive and Congress had incidentally to be determined? The second question is, assuming that Messrs. CLEVELAND and OLNEY believe themselves to have good grounds for their declaration, how are we to account for their making it at this time, when it wears the aspect of a defiance, being uttered be fore the will of the Federal legislature has been definitely expressed, and before the considerations moving that body have been authoritatively set forth ?

Let us take up the second question first.

because it can be quickly disposed of. It is easy to see why the Secretary of State took the extraordinary course of announcing, before the Cuban joint resolution was reported to the Senate by its committee, that beed would be paid to it under any circumstances. He knew that the Executive had nothing to lose and much to gain. The President has nothing to lose, because no overt and tangible offence can be committed by him until the joint resolution now before the Senate shall have been passed by both Houses, not only once, but a second time, over his veto. Then, and not till then, de flance in word would become defiance in act. By that time, as Mr. OLNEY knows, the brief remnant of Mr. CLEVELAND's last term will have so nearly expired that impeachment would be impracticable, even if Congress were disposed to waste ammunition on dead ducks. What the Executive has to gain by forestalling the discussion of the Cuban question in Congress through a challenge of the authority of that body is equally clear. The disclosure of the President's purpose immensely encourages the Spanish Government, and proportionately discourages the revolutionists, through the knowledge that the latter will receive no official countenance from the United States until the beginning of the next rainy season, when both combatants will be reduced to inactivity. Nor is this all: the revelation of the President's attitude was calculated to strengthen the hands of the procrastinators, and to postpone a vote on the Cuban resolution in each House of Congress, by importing into the discussion a new issue of capital importance, that, namely, of the limit between executive and legislative authority. Nothing, indeed, was on its face more likely to achieve the result last named than an arrogant avowal, made without hearing argument, that Mr. CLEVE-LAND had made up his consecrated mind that he alone has a right to say whether people struggling for liberty deserves to have its independence recognized.

As to the fundamental question whether the position taken by Mr. OLNEY is likely to be sustained, either by the Senate acting as a court of impeachment or by the United States Supreme Court, in a case where the rightfulness of his position has to be in cidentally considered, we need only say that this requires no extended examination at this time. We will cross that bridge when we come to it. Meanwhile, however, it is certain that should it be judicially determined that under the text of the Constitution, as it now stands, Mr. CLEVE LAND has the exclusive power claimed for him by Mr. OLNEY, that power should b quickly curbed by a constitutional amendment. That is a matter about which the people of the United States, once confronted with the exigency, may be trusted to lose no time. The people will never consent to leave in the hands of a single individual the arbitrament between peace and war, which the framers of the Constitution were care ful to give expressly and exclusively to the people's representatives assembled in Congress. We say the arbitrament between peace and war, because, if a President can refuse to recognize the independence of a given country against the will of the Federal legislature, he can insist upon such recognition against the will of the same body, although such recogni tion at particular conjunctures might involve us in war with a great European power, or even a combination of powers It was, indeed, just such a recognition of the independence of the thirteen colonies by France which exposed that country to a deciaration of war on the part of Great Britain.

No doubt, we repeat, is possible regarding the necessity of a constitutional amendment, provided Mr. OLNEY's position should be judicially sustained. That it would be sustained seems to us improbable, although we do not deny that deductions, ostensibly conflicting, may be drawn from past transactions, and from the comments and specuintions of jurists on the Constitution With respect to positive transactions it may m said that a review of them shows the ower of recognizing the independence of a iven country to have been exercised ometimes by the Executive alone, and ometimes by the legislature, of which, it vill be remembered, the Executive forms a part. The lack of uniformity in the precedents is due to the fact that, so far as the recognition of foreign countries is conerned, the question of the limitation of sacaority between the Executive and the eguslature has never yet been distinctive aised, although the distinction of authority a such a matter, between the Executive and the judiciary, has been clearly drawn in favor of the former. That the question has not before been raised and answered is owing to the circumstance that hitherto there has been no serious conflict of opinion or feeling between the Federal Executive and legislature concerning the propriety of recognizing the belligerency or independence of an American community strivng to shake off a European yoke. We have never before had a President whose sympathies were openly enlisted on the side of the oppressor and

before had one who in the midst of an annual message could pause to sneer at the evasive and watchful tactics necessarily imposed on weak and ill-armed revolutionists, notoriously overmatched in the open field: such tactics, in a word, as were employed by SUMTER and MARION, by GREENE and LAPATETTE, aye, and by WASHINGTON himself in our own Revolutionary war.

The way in which Congress can checkmate this latest move of the Executive in the interest of Spain is sufficiently obvious. Leave the constitutionality of the move to be ascertained bereafter, and meanwhile defeat its secret purpose, which is the postponement of action on the Cuban resolution. Let those Senators and Representatives who have hitherto been inclined to look askance on the proposal to acknowledge the independence of Cuba, now recognize that they themselves, the freshly chosen trustees and spokesmen of the American people, have been assailed in a fundamental right; that a power necessarily involved in that of declaring war has been denied to them and usurped by the Executive; and that the challenge thus delivered, if evaded and not repelled with energy and promptitude, will itself become a disastrous precedent. In the Christmas recess, now begun, the Senators and Representatives will hear from their constituents; and they will hear from them in this sense, unless the American people are blind to assault on a constitutional bulwark of their liberties, and are ripe for a dictatorship.

Cases Not in Point Upon the Cuban Question.

It is announced from Indianapolis that Mr. WILLIAM H. H. MILLER, who was Attorney-General under President HARRISON. has declared that Secretary OLNEY is right In his view that the Executive alone can deal with the question of recognizing Cuban

independence. As authority for this position the former Attorney-General cites the case of WILLIAMS vs. the Suffolk Insurance Company, which was tried before Judge STORY in the Circuit Court of the United States, at Boston, in 1838, and subsequently went to the Supreme Court at Washington.

Judge Story's decision is reported in the third volume of CHARLES SUMNER'S reports of cases determined in the First Federal Circuit. At that time a controversy existed, which it was material for the court to consider, between Buenos Ayres and the United States in respect to the Falkland Islands. The Government of Buenos Ayres contended that the Falkland Islands were within its dominions, and that it had the right to regulate the seal fishery there while the Government of the United States disputed its claim in both respects.

'In this state of the diplomacy between the two countries," the question, as stated by Judge STORY, was whether the court could properly reëxamine and decide in its judicial capacity the claims and pretensions of the two Governments. He answered the

question in these words: "My judgment is that this court possesses no such authority; and that it is bound by the doctrines and claims insisted on by its own Government, and that it must take them to be rightful until the contrary is established by some formal and authorized action of that Government. It is very clear that it belongs ex inervely to the executive department of our Govern ment to recognize, from time to time, any new Governments which may arise in the political revolutions o the world; and until such new Governments are so recognized, they cannot be admitted by our courts of justice to have or to exercise the common rights and prerogatives of sovereignty."

It is the portion of these remarks which we have printed in italics that is supposed to bear upon the Cuban question. But the clause considered by itself, and apart from the context, conveys an erroneous impression of the meaning of the writer. Mr. Justice STORY was not discussing the respective rights and powers of Congress and the President in regard to the recognition of foreign Governments. No question of any conflict between the legislative and the executive departments of our own Government was in his mind. He was dealing with the relation between the judiciary and the executive in matters of foreign concern, and as to such matters he simply decided that the action of the executive was binding upon the judiciary, and that the power of the executive was exclusive in that sense, that is, so far as the courts were concerned.

Upon the review of the case in the Supreme Court of the United States, Mr. Justice McLean was merely discussing the attitude of the courts in respect to executive action concerning our foreign relations, when he used this language, which Mr. MILLER cites:

"Can there be any doubt that when the executive branch of the Government, which is charged with our foreign relations, shall, in its correspondence with a foreign nation, assume a fact in regard to the sovereignty of any island or country, it is conclusive not material to inquire whether the Executive be right or wrong. It is enough to know that in the xercise of his constitutional functions he has de ided the question.

It is equally plain, in each of the judicial opinions relied upon, that the Judge who wrote it had no idea of passing upon any question concerning the respective functions of Congress and the President in dealing with foreign affairs.

On the other hand, it is not difficult to find decisions of the Supreme Court of the United States which do recognize the authority of Congress to intervene in such matters. In the case of GARCIA vs. LEE. which is reported in the twelfth volume of PETERS's Reports, Chief Justice TANEY, speaking of a case involving Spanish land grants in Louisiana, said:

This court then decided that the question of boundary between the United States and Spain was question for the political departments of the Gov ernment; that the legislative and executive branches having decided the question, the courts of the United States were bound to regard the boundary deter

nined on by them as the true one." This language is almost as strong in one direction as that quoted by Mr. MILLER is in the other. The fact is, however, that in none of the cases did the court consider any possible conflict between the Federal legislature and Federal Executive in reference to the relations of this country with foreign lands or their people. The decisions merely emphasize the proposition that the action of the political departments of the Government, whether executive or legislative, or both, is binding upon the courts in respect to foreign affairs.

Spain's Warlike Activities.

The current preparations of Spain for possible hostilities with the United States may be rather too ostentatious to escape the suspicion of being a bluff, but it is perhaps of minor importance to know whether this is or is not their object. The simple course for us is to do our duty toward Cuba.

Yet there is something interesting in the news that the Ministry of War is preparing for Spanish officers information about our coast line, ports, forts, army, and railways, so that they may know where to attack us

best and how to do the most damage. We do not think that hostilities would go

against the oppressed. We have never far enough to make this sort of information of practical value. With a country operating several thousand miles from its base, its naval strength becomes a factor of prime importance. Spain has ready but one firstclass modern battle ship, the Pelayo, and any fleet that she could equip for service in our waters would be promptly overwhelmed by our superior force.

Spain's ability to land troops in Cuba has been due to the fact that she holds every port on the island and that the patriots have not a single ship. The difference between that task and landing troops in the United States is obvious, while if any should be landed, it would be bad for the troops.

There is no occasion, therefore, for anxiety about Spain's military preparations. Armies that cannot subjugate Cuba will not invade the United States. She has no fleet that could protect both itself and her transports; and although at some ports we have few high-power guns mounted, there are hundreds of older guns that would be of use against the unarmored vessels of which her navy chiefly consists, while our submarine mine system is far more advanced than is generally known. Even isolated cruiser attacks need hardly be feared, and it is certain that Spain would rue them.

Thus the current stir in Spain's dockyards may properly concern us little. She knows very well that a declaration of war against us would mean the immediate loss of Cuba. Yet her preparations may properly lead to increased energy in our own work of coast defence.

The Right Balance,

There are \$5,000,000 in the State Treas ury of New York where a year ago the amount of cash was \$1,500,000 only. Thus the financial position of New York is enviable, with revenues in excess of the expenditures. The total receipts of the State during the fiscal year recently closed were \$30,000,000; the payments were \$26, 000,000, and the margin of difference, together with the previous balance, is now represented by the cash in the Treasury which, as we have said, is \$5,000,000.

No small share of this satisfactory showing is due to the practical operation of the Raines Liquor Tax law, which has yielded \$3,500,-000. The corporation taxes, levied by the State, yielded this year \$2,100,000 and the collateral inheritance tax \$1,900,000. These four items of revenue, therefore, make up \$7,500,000, exclusive of the proceeds of ordinary taxation, the burdens of which will be made lighter each year by the operation of the Raines tax law and similar measures. New York has practically no debt except as authorized by the voters for the maintenance, extension, and improvement of the canal system of water ways; and with \$5,000,000 in cash in the State Treasury and the current receipts of the State in excess of the expenditures, New York is financially all right.

Live within your income, spend less than you earn, in times of prosperity put aside a little for the dark days which may come; these homely maxims have been put in operation in Albany, it would seem, or there would not be \$5,000,000 over in the Treasury.

Joseph Hodges Choate.

It is proper and requisite that some plain and truthful words should be said with regard to Mr. CHOATE's qualifications for the post to which he has been nominated by certain admirers of his unquestionable genius, under the manipulation of disappointed Republican politicians who want to make mischief by means of his obviously impracticable candidacy.

the first time that Mr. CHOATE'S peculiar distinction has been at the bar, and not at all in the field of politics. Except as a lawyer he is known to the public only as a very his greatest exploit. brilliant, witty, and graceful after-dinner speaker. His appearances as an orator on the few; and it cannot be said that he has ever up the office. To his intention to he displayed any deep and carnest and serious interest in questions of politics. He has belonged to the Republican party, and for several years was President of the Union League Club, originally a Republican association, but which of late years has become tainted with Mugwumpery to such a degree that it has lost its old character. He was unexpectedly elected one of the delegates at large to the last Constitutional Convention of this State, for he had been nominated simply as a figurehead, with no thought of his getting the place by a political revolution. He was made President of that body, and after he had learned something of the questions under consideration, for he had previously given them no attention, he did very well in the office; but he did not win any new distinction in the first and only place of political prominence ever occupied by him. He did not display qualities of high statesmanship to establish him in the esteem and confidence of the public. Thereafter he returned to the field of the law, where all his triumphs have been secured, and in which his rare abilities are unquestionable. He is the leader of the New York bar in the estimation of all its members; a lawyer of surpassing intellectual power and dexterity and of indubitable genius.

The reason why Mr. CHOATE has never before been even considered as a candidate for an office demanding the quality of statesmanship, is probably that he has the reputation of being a man who views politics lightly, and is not known to have serious political convictions. He has been more likely to look at political questions jocularly, in a chaffing spirit, than as an earnest and philosophic student of the highest subject that can engage the serious thought of a citizen. Now he is extolled as "the only man who can redeem it [the United States Senate] from its present reproach, and bring back again those old days of greatness when DANIEL WEBSTER taught the people to love and cherish the Constitution: but it is an entirely novel view of his character and temperament. The thought of JOE CHOATE playing such a part is queer.

Mr. WEBSTER was elected to Congress twelve years after his graduation from Dartmouth College, and only eight years after his admission to the bar. Thereafter his chief thought was devoted to the field of politics. It absorbed his attention, and in it his chief distinction was won. Great as his eminence in the legal profession became meantime, it was altogether secondary to his political reputation. Between the careers of the two men. consequently, there is no discernible likeness. Neither is there any likeness between the quality and character of their minds. Two men more totally different than WEBSTER and CROATE could not be found. Mr. WEBSTER was both a statesman and a politician by long training and practice, by taste and aptitude. Mr. CHOATE

tics during his forty years of professional life, and his associates at the bar have never discovered it in him, never looked for it. As we suggested, it would be impossible to define Mr. CHOATE'S political views; to distinguish between his political frivolity and such serious and well-established political convictions as he may have; or even to say that he has any opinions on the subject which can be called serious. As an advocate at the bar, he has been retained indiscriminately in legally controverted questions, and, of course, no inferences as to his real views on any subject can be drawn from any such source. Nor do we get any ciue to them from his public speeches, for in great part these have been bantering in tone. How he stands on the tariff and the question of the currency, for instance, nobody knows; but the general impression is that he has become lukewarm in his Republicanism, and this impression is strengthened by the wild support his candidacy is receiving from the Mugwumps.

The truth, then, is that Mr. CHOATE has no special fitness for the Senate, either to "redeem" it or to influence it in any way, but is rather specially unfit to be a Senator, and more especially a Republican Senator. It is fortunate for his reputation that his candidacy is so utterly hopeless, since his election to the Senate would almost assuredly bring disappointment to

him, his friends, and the public. Mr. CHOATE is now in the place for which Providence intended him: and he will go down in the memories of the profession he adorns as the brilliant and consummate leader of the New York bar in the day of his prime; and may it long be continued!

A Great Man and The Sun.

An esteemed correspondent who has prop rty in Michigan, and therefore has an additional reason for being interested in the career of the next Governor of that State, makes a serious charge against THE SUN. He accuses us of treating with an unbecoming levity one of the most distinguished, original, and forcible of American statesmen and political economists, the Hop. Po-TATO PINGREE of Detroit, "Is the continual ridicule which THE SUN is heaping upon Mr. PINGREE right?" asks this corre spondent, with a generous warmth which does him honor, but is really unnecessary, as we shall presently show. "What," he continues in the same tone, "has Mr. PIN-GREE done, publicly or privately, to deserve this perpetual throwing of mud at him. Every one, I take it, acknowledges that his potato' project has helped the poor in various ways; all dwellers in Detroit know that he has done good for their city as no Mayor ever did. Now, it seems to me that one may ask legitimately: Is it fair or just to be holding up such a man as a laughingstock to the wide constituency of THE SUN ? Our correspondent says that he does not

know Mr. PINGREE. He does not know us. either, or he would not accuse us of throwing mud at him. In the first place, THE SUN does not throw mud at anybody. In the second place, the Hon. POTATO PINGREE is an institution that cannot be watched without advantage. We have followed his career with interest, and do not wonder at its present eminence. In memory of the potato farm, the most successful of his projects. we have, without any solicitation from him conferred upon him the significant and ennobling agnomen by which he is known wherever the English language is spoken. and even in England. Mr. PINGREE spoke of himself as POTATO PINGREE when he was in this town some time ago. He accepts the name POTATO with gratitude. Why shouldn't he? How many people, outside During the whole of his professional of Michigan, know who " HAZEN S." PINcareer of forty years in New York this is GREE is? But speak of POTATO PINGREE and the flush of enthusiasm will come to fitness for such an office as that of Senator | the cheek of him who hears you. Is it ridhas been discovered and proclaimed. His icule to speak of POTATO PINGREE? As well say that Scipio Africanus was ridiculed by the name which commemorated

Of course, the Hon. POTATO PINGREE has been a good Mayor of Detroit; so good that political platform have been comparatively he does not feel himself justified in giving posts at once our correspondent seems not to do justice; and he also fails to remark upon the sagacious statemanship which enabled Mr. PINGREE to be a candidate for Governor on a gold platform, although still a silver man, as he has again frankly declared himself to be since the election. This duplex talent is rare, and should receive appropriate notice, not ridicule.

Finally, so far from ridiculing the Hon. POTATO PINGREE, THE SUN has directed public attention to his spirited remarks in dispraise of monopolies and trusts, and to his endorsement of Mr. CLEVELAND's observa ions on the same subject in his last message. And, at the expense of whatever ridicule on the part of the unthinking or the perverse, THE SUN will continue to maintain that the Hon. POTATO PINGREE, in the act of supporting the Hon, GROVER CLEVELAND, and n the act of making assertions about the ungodliness of trusts, is not only affecting. but sublime.

Japan and Spain.

The Spaniards are not less certain that Japan is behind the revolt in the Philippines than that the United States are behind the Cuban revolt. We have had despatches from Madrid that the Spanish Government has procured direct proof of Japan's enmity toward Spain, and of Japan's desire to make trouble in the Philippine Islands as a means of promoting her own interests there and of enabling her to seize the islands. A Madrid despatch which we printed the other day contained a Spanish account of the machinations of the Japanese against Spain in the Philippines. It is alleged that they have supplied the insurgents with arms and other munitions of war; that many of them have joined the ranks of the insurgents; and that officers of their army have been permitted to take command of the insurrectionary regiments. Before this intelligence was printed by our Madrid contemporary, El Pais, we received a report from Hong Kong that 40,000 rifles from Japan had been delivered to the rebels. We also learned of the arrival at Manila of the Japanese warship Toshima, which had been sent there for the protection of Japanese residents during the insurrection; and we likewise got a report that there had been a clash between the crew of that ship and a number of Spanish marines in the harbor of Manila.

It looks as if the Philippines were in very much more danger from Japan than is

Cuba from the United States. The good feeling which exists in Japan toward the Filippinos resembles that which exists in this country toward the Cubans Thousands of Japanese have emigrated to the islands in recent years, and many of the merchants at the scaports are Japanese: there is now an active trade between Nagasaki and Manila, and the Japanese ex ports to the island of Luzon are large. has exhibited no special interest in poli- Japan can furnish manufactured goods to

Spain's subjects there far more advanageously than Spain can.

There is no doubt of Japan's desire to obtain possession of the Philippine Islands This desire was made known immediately after the war with China bad ended in the victory of Japan, and was greatly stimulated by Japan's acquisition of the island of Formosa. Japan has striven for the extension of her territory ever since she demonstrated her military power; and it is certain that her territory can be extended with the most advantage to her by the annexation of the Philippines, which she needs both for defence and for commerce.

Two years ago she attempted to enter into negotiations with Spain for their acquisition. It was reported at one time that she had offered to purchase them with a part of the money derived from the Chinese indemnity. But Spain would listen to no proposition. She would never sell her ewels, or part with them for any reason. She talked about the Philippines as she talks about Cuba. Her pride would not colerate any suggestion.

The revolt may furnish Japan with the opportunity she has vainly sought for. It has grown so serious that Spain is unable to supply the troops needed for its suppression. We may any day have news of he surrender of Manila to the rebels. The Japanese warships in the harbor of that port and within call of it are waiting for the occurrence of this incident. The times are promising for them, and they are surely and nanifestly on the alert.

Spain has held the Philippines for three and a quarter centuries, and has held Cuba for nearly four centuries. She has governed the former as badly as the latter. Her rule has been one of oppression, ferocity, and plunder. She has mercilessly crushed all opposition; and, at this time, the reports of spanish cruelties which we receive from the Philippines are not less shocking than those which we receive from Cuba.

We believe that the Philippine Islands would be far better off and more prosperous as colonies of Japan than they ever have been as colonies of Spain.

It is time for Spain to withdraw her ar mies from the Philippines as well as from Cuba. She may need them at home.

It appears from a communication of Secetary CARLISLE to the Senate that a resolution which Mr. GALLINGER offered on the 9th of May last had an immediate and marked effect. The resolution called for the number of allens employed in the executive departments. Mr. CARLISLE delayed his share of the answer until the present session, and when it came it showed that out of thirty-five aliens employed in he Treasury Department on the 9th of May, no fewer than twelve got out their naturalization papers before June 1 following. Concerning the citizenship of five others there seems to be ome question, while a sixth had resigned. Mr. GALLINGER expressed the opinion that the purpose of his resolution was getting accomplished.

Perhaps the subjoined paragraph might roperly be incorporated in the forthcoming harter of the Greater New York:

"Every municipal franchise whatsoever which is the property of this corporation, and especially rights of ferriage, street railways, and of purreying gas and heat and water into private dwellings or edifices within the boundaries of this corporation, shall be sold at public auction after due public advertise ment; and neither the Mayor nor Common Council nor any municipal officer shall have any power to otherwise deal with the franchises and rights herein referred to."

lan't this well worthy of thoughtful consider

About two months ago a writer in the Philadelphia Press published a remarkable statement, to the effect that, after the battle of Antietam, Gen. McClellan proposed to Gen. Lee a meeting for the discussion of the condition of affairs between the contending forces of the country. The authority for the story was said to be Gen. LONGSTREET; but he has since, in a etter to a Boston gentleman, given a different version of what occurred.

The letter, it appears, which McCLELLAN eally wrote, was one mentioning the number of Southern prisoners which had fallen into his ands, and adding the assurance that they would be kindly treated. LEE sent a copy of the letter to Longstreet, and it struck the latter at once that unless something more was meant than appeared on the surface, the note was superfluous. He therefore rode over to Gen. LEE, told him he thought Gen. McCLEt-LAN was desirous of paving the way for an interview, and advised Gen. Lee to propose one. Gen. LEE, however, did not look at the matter in that light. A day or two later Gen. Howell COBB, on seeing the letter, agreed with LONG-STREET'S view of it, and again urged the latter to impress it upon Ler, as he did, but again in vain. Gen. LEE also declined to let LONGSTREET ee Gen. FITZ JOHN PORTER on the subject. These points the Boston Herald gives from

LONGSTREET'S recent letter. What was the real object of that communication from McClettan to Lee? So far as is known, neither the original nor the copy exists. and its exact purport depends on Gen. Long-STREET'S memory. That, however, shows plainly enough that no proposal for a conference was made, and yet it leaves unsettled why the letter was ever sent, since it was unusual

and apparently unnecessary. Looking at the context furnished by simulaneous events, the only thing noteworthy was sign of "disturbance" which Gen. Long-STREET had noted in the Union camp, and which he associated with the letter. It proved to be the excitement produced by President Lin-COLN's emancipation proclamation. The Herold, therefore, while finding in McCLELLAN's famous Harrison's Landing letter to the Presilent proof enough of his "feeling a diplomatic responsibility and having a diplomatic tenlency," concludes that the letter he wrote to LEE after Antietam was simply an extre act of courtesy, done with intent to allay any bitterness of feeling. It is a curious incident in history.

Good Market for Scotch Water.

From the London Vanity Fair. It was a Scotchman returning home on foot who net another on the banks of Loch Lomond. Weel, Sandy, and how did ye get on?" asked the

Weel, I taked my coo to Glasgie and selt her for welve pun." "An dinna ye ken. ye puir fule, that if ye'd takken her to London ye'd have got twenty pun for her i "Aye; and if ye'll tak Loch Lomond there to bell re'll be able to sell her for a shillin' a glass!"

His Anxlety. From the Detroit Free Press.

sald a man who rushed into the grocery. "She ran over a dog while riding her blercie, and they've car ried her to the hospital."

The man sitting on the cracter barrel rose to his feet excitedly, and his face turned pale. "Did you notice." he asked in a frembling voice,
"whether it was a liver-colored dog with two white
spots on his fore shoulder or not?"

"Your wife's just met with an accident, Wilkins."

I rom the Philadelphia Press. Having retired within his Havana bomb-proof, Wey

er's old-time activity is manifesting itself An Unselleited Tribute.

d made the sun to rule the day, He made the moon to rule the night; And now THE NEW YORK BUY doth ship Throughout the world, transmitting light. Ye sons of men, both far and near, Just read THE NEW YORK SCN each day,

And you will find, beyond a doub

Twill greatly brighten your pathway. Examine each and every page. For information there yo Of wondrous benefit to all. No matter who or what the kind. UTICA, Dec. 22.

THE PRESIDENT AND CONGRESS.

George Washington, James Madison, and Thomas Jefferson Answer Richard Giney, TO THE EDITOR OF THE SUN-SIE George Washington wrote to Edmund Pendleton in 1793; "I only wish whilst I am a servant of the public, to know the will of my masters, that I may govern myself accordingly. You do me no more than justice when you suppose that from motives of respect to the Legislature (and I ought to add from my interpretation of the Constitution) I give my signature to many bills with which my judgment is at variance, * * I never had such confidence in my own faculty

ons I have imbibed in doubtful cases." Our present President is evidently much more enacious of his opinions than our first was. The refusal of Mr. Cleveland to carry out the wishes of the people in reference to Cuba im poses upon Congress the Imperative duty of passing promptly a concurrent resolution rec ognizing Cuban rights, which, under the Constitution, he must either approve or veto. If he vetoes it, the two Houses can then pass it over his head, and it becomes a law, which he mus enforce or violate his oath of office. The right of Congress and not the Executive

of judging as to be ever tenacious of the opin-

to determine our relations with foreign nations is a fundamental principle of the Democrati party which has been recognized ever since its existence. More than a hundred years ago Alexander Hamilton and James Madison, the respective champions of the Federal and Republican or Democratic parties, joined issue on that principle in the case of "The Neutrality Proclamation." That proclamation was issued in view of the war then waging between France and England, and was only intended to warn citizens of the United States against any violation of international law; but in it the President inadvertently declared that it was the disposition of the United States to observe a friendly and impartial conduct toward both the belligerent powers. Now, by the treaty of alliance made during the Revolutionary war, the United States had bound themselves to guarantee to France the posses sion of her West India islands in case of a war with Great Britain. The proclamation was evidently in conflict with this treaty. Madison held that the President had exceeded his pow ers. He wrote to Jefferson:

The proclamation was a most unfortunate error

• • • It seems to violate the form and spirit of the Constitution by making the Executive Magistrate the organ of the disposition, the duty, and the interest of the nation, in relation to war and peace, subjects ap propriated to other departments of the Government

Hamilton, on the other hand, always the advocate of Executive power, undertook not only to defend but to interpret the proclamation in a series of newspaper articles signed "Pacificus in which he argued with great ingenuity that ? was the function of the Executive and not of the Legislature "to make and to interpret treaties." "to pronounce the existing condition of the nation with I gard to foreign powers' and "to admonish the citizens of their obliga tions and duties in consequence." mitting that the Constitution vested in Congress the power to declare war, he insisted that it was the duty of the Executive to preserve peace until war was declared; "and," he ar gued, "in fulfilling this duty it must necessar ly possess a right of judging what is the nature of the obligations which the treaties of the country impose on the Government." He admitted also that the exercise of the Executive judgment "might in certain cases affect the exercise of the power of the Legislature to de clare war," but he sought to reconcile the inconsistency by asserting that "the Legislature is still free to perform its duties according to its own sense of them; though the Executive, in the exercise of its constitutional powers, may establish an antecedent state of things which ought to weigh in the legislative decisions."

Thomas Jefferson, who, as Secretary of State had certified (as he afterward declared withou due examination) the proclamation, was greatly disturbed by Hamilton's articles. He enclose copies of them to Madison, and wrote: body answers him, and his doctrine will, there fore, be taken for confessed. For God's sake, my dear sir, take up your pen, select the mo striking heresies, and cut him to pieces in the face of the public. There is nobody else who can and will enter the lists with him."

Madison felt the delicacy of attacking a prolamation issued by George Washington, but he determined to answer "Pacificus" and refute his interpretation of it. Hamilton had built up on the proclamation a superstructure of Execu tive usurpation, and it was this that Madiso set himself to demolish, in a series of letters signed "Heividius." He showed that Hamilton had found his theory of Executive power not in the letter or spirit of our Constitution, but in that of Great Britain, in which all sovereignty resided in the King. He asked how the Legislature could be free to exercise its constitutional power of deciaring war while it was han pered by the previous exercise of the Executive

judgment on the same subject. He said: If the Legislature and Executive have both a right to judge of the obligations to make war or not, it must sometime happen that they will judge differently. The Executive may proceed to consider the question to-day, may determine that the United States are not bound to take part in a war, and in the exercise of its functions proclaim that determination to all the world. To morrow the Legislature may follow in the consideration of the same subject may determin that the obligations impose war on the United States, and in the exercise of its functions enter into a constitutional declaration expressly contradicting the constitutional proclamation

Discussing the right of the Executive to de termine the recognition of foreign Governments, which had been claimed by Hamilton under the clause of the Constitution authorizing the President to receive ambassadors, Madison said:

When a foreign Minister presents himself two ques tions immediately arise: Are his credentials from the existing and acting Government of his country? Are they properly authenticated? These questions belons of necessity to the Executive, but they involve in cognizance of the question whether those exercising the Government have the right along with the pos-. It is not deuted that there may be cases in which a respect to the general principles of liberty, the essential rights of the people, or the over-ruling sentiments of humanity might require a Government, whether new or old, to be treated as an illegitimate despotism. Such are in fact discu and admitted by the most approved authorities. But they are great and extraordinary cases, by no means submitted to so limited an organ of the national will as the Executive of the United States, and certainly not to be brought by any torture of words within the right to receives mbassadors.

It is just such an extraordinary case as Madison here describes that confronts us in the Cuban question. "The general principles of liberty," "the essential rights of the people, and " the overruling sentiments of humanity. all require that we should treat the Spanish Government of Cuba as "an illegitimate des potism." In fact, it is high time for this country to assume that all "despotism" on th American hemisphere is "illegitimate." it is for the Legislature, as the organ of the na tional will, to declare this, and the function of the Executive is to communicate to foreign powers what the Legislature has declared.

All the letters written by Madison over the signature of "lielvidius" were submitted to Mr. Jefferson, and approved by him before pub lication, so that we have the authority of Lis great name in support of Madison's position.

The contest between the champions of Execu tive power and the friends of the constitutiona rights of Congress, thus begun in the early day of the Constitution, has been transmitted through the century. It was one of the grea issues that made Thomas Jefferson President, and it was the principle that the people through their representatives in Congress, and not the Executive, should dictate the policy of the tiovernment, both foreign and domestic, that gave its name to the Democratic party.

No Democratic President from the time of Jefferson to the present ever attempted to dietate the foreign policy of this country in opposition to the direct will of the Legislature.

WASHINGTON, Dec. 22.

Harper's Magazine for January is out, with a varied and interesting table of contents. Mr. Poult-ney Eigelow, Prof. Francis N. Thorpe. Dr. Henry ney highlow. Mr. Howells, Mrs. John Alexander, Mr. George W. Smalley, Miss Wilkins, Mr. Laurence Highley, and others contribute to the number; Du Maurier's "Martian" is continued, and Mrs. Ruth cknery Stuart affords a story in the Editor's Drawer

THO NOTABLE STATESMEN.

M, de Lome.

Henry Dupuy de Lome, the Spanish Minister at Washington, was born in Valencia in 1851. He received his education at the celebrated University of Barcelona, After having been graduated from this institution he entered on the study of the law, and was admitted to the bar, but eventually embraced a diplomatic career. In 1872 he became Third Secretary in the Ministry of State, having previously been employed in the State Department for several years. He was attached to the Spanish legation to Japan in 1873, and two years later was sent to Brussels. In 1880 he was appointed Secretary of Legation at Buenos Ayres, and in 1882 he became First Secretary at Washington. He was transferred to Berlin in 1884. After more than twenty years of service rendered to his country in diplomatic functions, M. de Lome was made Spanish Minister at Washington through the special favor of the head of the Madrid Government, Seffor Canovas del Castillo. He has held that office only for a short while, having been appointed to it early in the present year, yet even now there are rumors of a change in the Spanish mission. It is reported in diplomatic circles that Minister de Lome will either be recalled from Washington by the Madrid Government or that he will resign; for, whatever he may have accomplished with our Executive, he has failed to induce the Congress of the United States to pursue a policy wholly

Becretary Olney.

in Spain's interest.

Richard Olney is of an old and respectable Baptist family, whose progenitors sought an asylum in Providence Plantations, the settlegent founded by Roger Williams, His forefathers have been associated ever since with Rhode Island and the adjacent parts of Massachusetts. He was born in the town of Oxford, Worcester county, Mass., in 1835. At the age of 21 he was graduated from Brown University, his preparatory education having been gained from the schools of his native town and from the academy at Leicester. In 1858 he was graduated from the Harvard Law School. and the following year entered the law office of Judge Benjamin F. Thomas in Boston, He advanced rapidly in his chosen profession, and devoted himself, for the most part, to corporation law. When Mr. Olney, in 1893, was invited to enter President Cleveland's Cabinet as Attorney-General he is said to have given up a considerable practice. In June, 1895, he was appointed Secretary of State, and the discharge of his duties since the acceptance of that portfolio has been marked by thoroughness and a lively readiness to oppose foreign encroach-ment. He is popularly credited with the authorship of most of Mr. Cleveland's Venezuela message. To him, on the other hand, is imputed a large share of the responsibility for the failure of the Executive to defer to the wishes of Congress in the matter of Cuba.

IT MAY BE IN DANGER, Gibraltar Threatened by Modern Guns in &

Spanish Fort. LONDON, Dec. 11 .- Sir Robert Biddulph, the Governor of Gibraltar, has been called to London to confer with the War Department and the Commander-in-Chief. It appears the British

Government awakened to the fact that the new batteries, with formidable armaments recently constructed by the Spaniards at Algesiras and other points on the mainland, render a remodelling of the defence of the once reputed impregnable rock absolutely necessary. The range of modern guns and the power of the latest discovered explosives have altered the whole conditions of the defence of this important stronghold, and in case of a conflict between England and Spain the present works could not long resist a bombardment from the more modern Spanish attack. A special commission, before which Sir Robert Biddulph will appear, has been formed to examine the subject and report without delay on the best and most prompt means to meet the emergency. The War Department hopes that before the end of a year Gibraltar will once more be in a complete state of defence against all and any attack.

Greece Preparing for the Big War.

ATHENS, Dec. 8 .- A royal message to the Greek Chamber, on the necessity of Greece preparing to take her part in eventualities now impending in southeastern Europe, has caused an immense sensation. The fortified camp referred to in the King's message will, it is stated be established near Thebes, in the province of Bosotia. Mr. Theotokis, who has succ the leadership of the party of which the late Mr. Tricoupis was formerly chief, recently made a speech, as leader of the opposition, to Mr. Deliyannis, now at the head of affairs, in which he called on all Greeks, irrespective of party, to rally to the national defence.

SUNBEAMS.

-Corn is now used for fuel in some of the farm ing sections of Nebraska. -In Brown county, Kan., a family named Bryan

have had a new baby christened McKinley. -Roasted peanuts are sold by the pound at Sac camento, Cal., the price now being 10 cents. -Nose bleed which, it is said, had continued for twenty four hours, was stopped at Carthage, Mo.

the patient being a Mrs. Flood. -There was a mixture of feeling in the house hold of Pete Berry of the Colorado Grand Canyon, when the cat hal a litter of half-breed pole-cats.

-In a smelt weir in South Bay, off Eastport, Me, a lobster weighing 1914 pounds was caught. It was forty inches long and seventeen inches around. -Rubbers were the means of saving a life in faine, when a West Sullivan boatman who wore them used them to ball out his boat, which had

-There was ground for amusing speculation in the contribution of a Bangor, Me., firm to a fair for the benefit of an hospital. The donation sisted of 2,000 eigarettes. - At Hartshorne, L. T., an Italian who had suit

for divorce instituted, urged haste upon his attorney, saying that he wanted to marry a Choctaw squaw before the land allotment. -Burled in a pauper's grave near Hartshorne, L T., was the body of an old man named John

who, it is said, was once Lieutenant Governor of Florida. He was brought low by drink. -Mrs. Dorothy Parker of Brooklin, Me., at the of the day to mouid candles for the illumination of

three houses to celebrate McKinley's victory. -Boys, in trying to climb over a seven-foot fenor thirty feet long, after their football, at Oakland, Cal., knocked the fence down upon an elderly roman who was passing, and the injuries she received were so severe that little hope was enter tained of her recovery.

-A pile of earth and rock below which a man was working near a cannery at The Dalles, Or., became undermined and began to slide. The man straightened up and stood as near as he could to the vertical bank that had been the support of the mass, and the débris, as it slid down, out his cloth ing, but did not hurt him.

-Carl Holzhauser, a farmer of Rushville, Kan., carried to Atchison a bald eagle which he had cap tured after a battle with it near Lake Contrary, where he was hunting. He had left his horse, and when he returned to it found the eagle on the ani-mal's back, fighting it. When he beat it off the bird attacked him and tore his clothing and face before he could shoot it,

-According to the Superior, Neb., Journal, Bert Serf of the Doane College football team, on leav ing Crete for a game at Lawrence, bade a comrade good-of and added to a solemn tone that it might be the lass time his friend would see him alive. The friend told of the incident and some of Berf's friends for a joke draped his chair in mourning and had just hung on the back of it a card read-ing "Rest in Peace," when a despatch came saying that Serf had been killed in the game.

-Angered at the attendance of the young women school teachers of the place at the meetings of danging club, the School Board of Osage City, Kan. passed a resolution forbidding further indulgence in such gayety, on the ground that the influence upon the pupils would not be good. The town arose and asserted itself. The Knights of Pythias stood up for the teachers, and a business men's merting was held, at which a resolution was passed that the members of the School Board be instruct ed to refrain from the use of tobacco, as good re-suits to the pupils could not be accomplished while such a practice was indulged in-